



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

PUBLIC NOTICE

Project: Lands of Martin Development

NUMBER: 29851S

DATE: November 23, 2007

RESPONSE REQUIRED BY: December 24, 2007

PROJECT MANAGER: Holly Costa

PHONE: 415-503-6780

Email: Holly.N.Costa@usace.army.mil

1. INTRODUCTION: Jeff Martin, through his agent Live Oak Associates, Inc. [6840 Via del Oro, Suite 220, San Jose, CA, (408) 224-8300], has applied for a U.S. Army, Corps of Engineers (Corps) permit to realign and widen West Branch Llagas Creek in unincorporated San Martin, in the southern part of Santa Clara County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The project will be located on a 95.31 acre parcel identified as the Martin Property, located on the west side of Monterey Highway between Highland Avenue and Fitzgerald Avenue (APN 779-15-001). The site is bound by agricultural fields to the north and west, Monterey Highway to the east, and a residential development and agricultural fields to the south.

Project Description: As shown in the attached drawings, the applicant plans to realign and widen approximately 2,237 linear feet of West Branch Llagas Creek. West Branch Llagas Creek currently enters and exits the site at right angles, bisects the property and flows in a southeasterly direction. This reach of the creek is currently a modified earthen channel devoid of riparian vegetation. The project proposes to fill this reach of the creek, restore it to its natural, historic alignment, and create associated riparian habitat. The creek would be realigned onsite, approximately 250 feet east of its current alignment and would be widened to a low-flow channel width of

approximately 40 feet and a 100-year flood width of approximately 130 feet.

The proposed realignment of West Branch Llagas Creek would occur as part of the development of a 19-lot subdivision. Approximately half the site would be subdivided into 19 residential lots ranging from 1.8 to 4.3 acres in size. Infrastructure for the proposed subdivision would include the construction of a main access road from Monterey Highway, a new bridge over the realigned channel, and three cul-de-sac roads serving all nineteen lots. Filling the existing reach of West Branch Llagas Creek would allow for portions of seven of the lots and associated roads to be constructed in this area.

The remainder of the site, including the realigned channel and habitat restoration, would be dedicated as open space.

Purpose and Need: The basic purpose of this project is to realign West Branch Llagas Creek to enable the development of the Martin Property in conformance with the Santa Clara County General Plan and Zoning Ordinances. The overall need of this project is to create low-density single-family housing in Santa Clara County.

Impacts: The project would result in the placement of approximately 800 cy of fill into 2,237 linear feet (0.27 acres) of Corps jurisdictional waters. The source of the fill material would be the soil excavated for the proposed realignment.

Mitigation: To mitigate for the abandonment and fill of the current channelized alignment of the creek, the applicant is proposing as part of the project to recreate and restore the portion of West Branch Llagas Creek occurring on the site to the east of its current location, approximating its historic alignment and creating a wider, more sinuous channel. An onsite mitigation and monitoring plan has been developed to mitigate for permanent impacts to jurisdictional areas as a direct result of the project.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The proposed project will not impact any known threatened or endangered species.

Magnuson-Stevens Fisheries Conservation and Management Act: The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries

Conservation and Management Act. There are no EFH concerns with this proposed project.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is not within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, historic or archeological resources are known to occur in the

project vicinity. In order to prevent any potential impacts to subsurface resources which may exist on the property, archeological monitoring will be conducted during construction. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

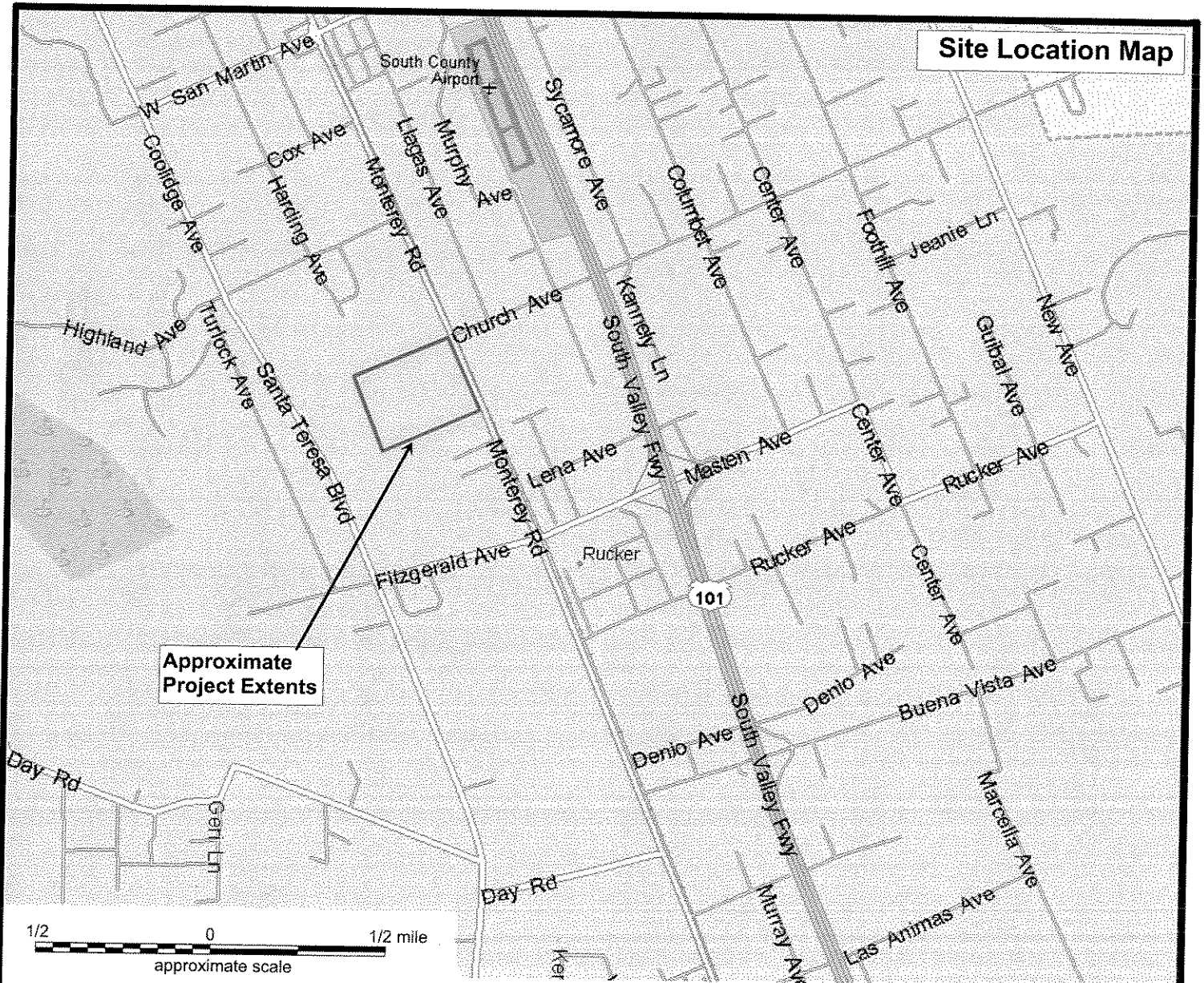
4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant

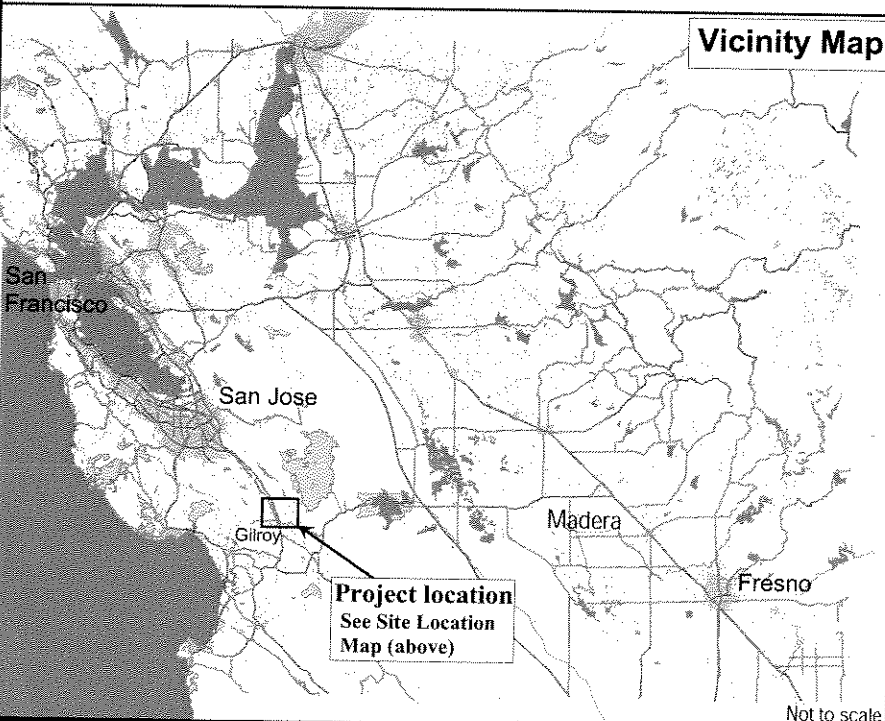
to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Holly Costa of our office at telephone 415-503-6780 or E-mail: Holly.N.Costa@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

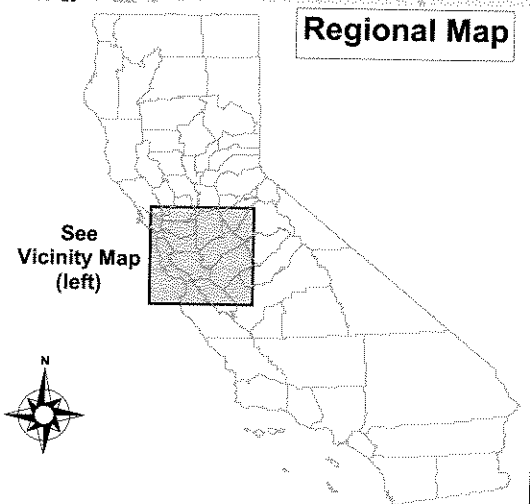
Site Location Map



Vicinity Map



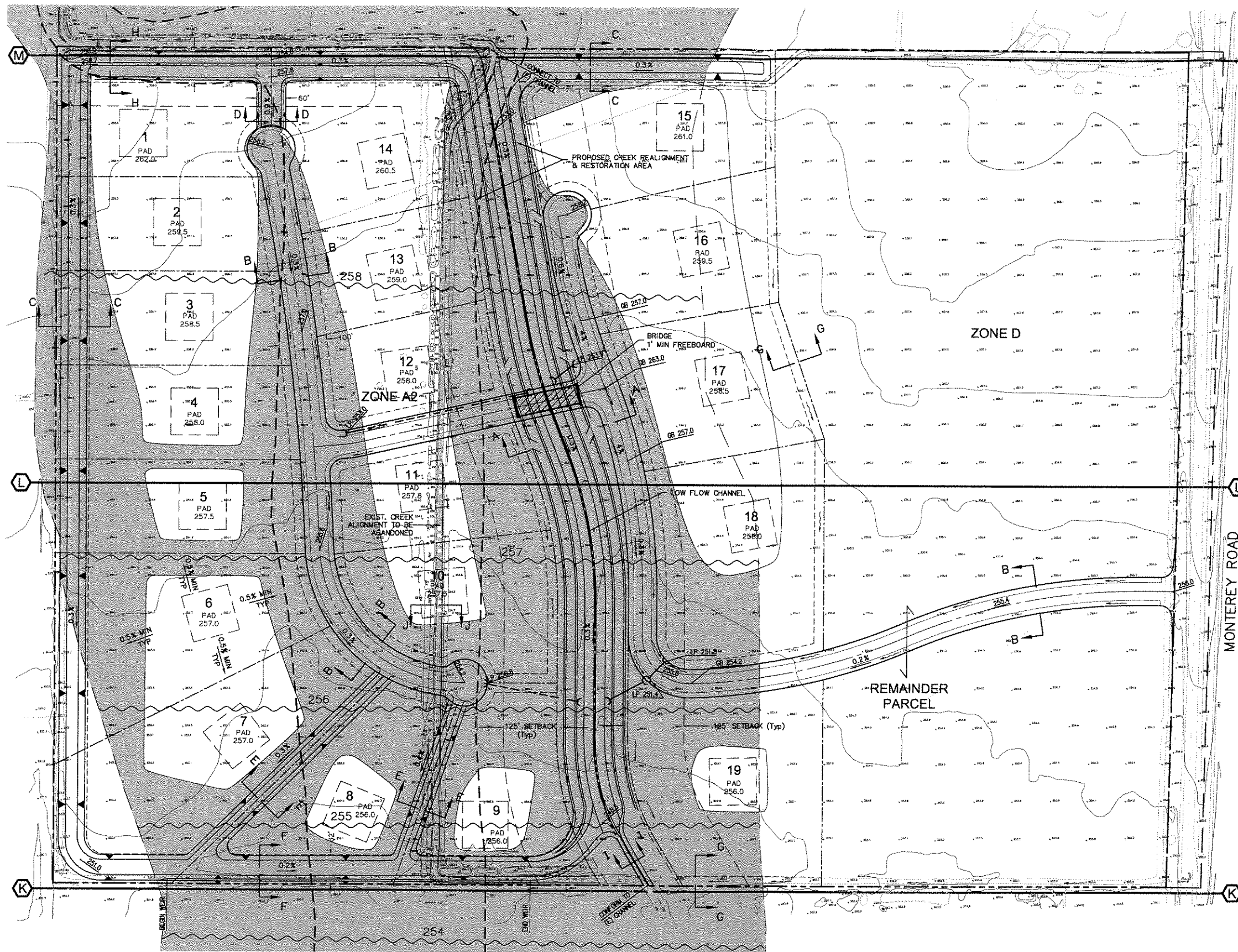
Regional Map



Live Oak Associates, Inc.

Martin Property
Site / Vicinity Map

Date	Project #	Figure #
9/09/05	730-02	1



LEGEND:

- PRIVATE STORM DRAINAGE RELEASE EASEMENT
- FEMA MAPPED FLOODWAY
- FEMA MAPPED FLOOD ZONE
- BRIDGE
- FLOODPLAIN CONVEYANCE CHANNEL
- Ⓜ FEMA FLOODWAY SECTION LINE

* NOTE: SHADED AREA INDICATES THE EXISTING FLOODPLAIN AS MAPPED BY FEMA AFTER GRADING THE SITE, WHICH REFLECTS THE INTERIM CONDITION UNTIL THE DOWNSTREAM PORTION OF THE SCVWD PL566 CHANNEL IS COMPLETE. UPON COMPLETION OF THE PL566 DOWNSTREAM CHANNEL, THE 100 YEAR FLOOD WILL BE CONTAINED ENTIRELY WITHIN THE SCVWD CHANNEL.

BENCHMARK

NGS BENCH MARK C812 ELEVATION 247.99
VERTICAL DATUM: NAVD 88

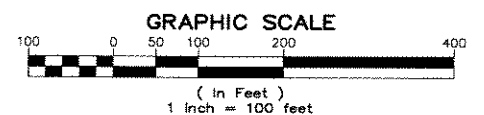
NOTES

- PAD LOCATIONS AND GRADES ARE CONCEPTUAL.
- HDP CULVERT AT DRIVEWAYS. SEE COUNTY STANDARD DETAIL B4.
- FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NUMBERS 060337 0630 E & 060337 0640 E, DATED AUGUST 17, 1988 ISSUED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

APPROXIMATE EARTHWORK QUANTITIES

CUT (CY BANK)	FILL (CY BANK)	NET (CY BANK)
61,700	174,200	112,500

NOTE: THE EARTHWORK QUANTITIES SHOWN ON THE TABLE ABOVE ARE THE THEORETICAL QUANTITIES WITHOUT CONSIDERATION OF SHRINKAGE FACTORS AND ARE COMPUTED FOR PROPOSED FINISH GRADES AND THE EXISTING GRADES ESTABLISHED BY TOPOGRAPHIC FIELD SURVEYS. THIS PLAN DOES NOT AUTHORIZE ANY GRADING OR CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY.



BY	DATE	REVISIONS

Jeff Martin
7888 Wren Avenue, Building B, #120
Gilroy, CA 95020

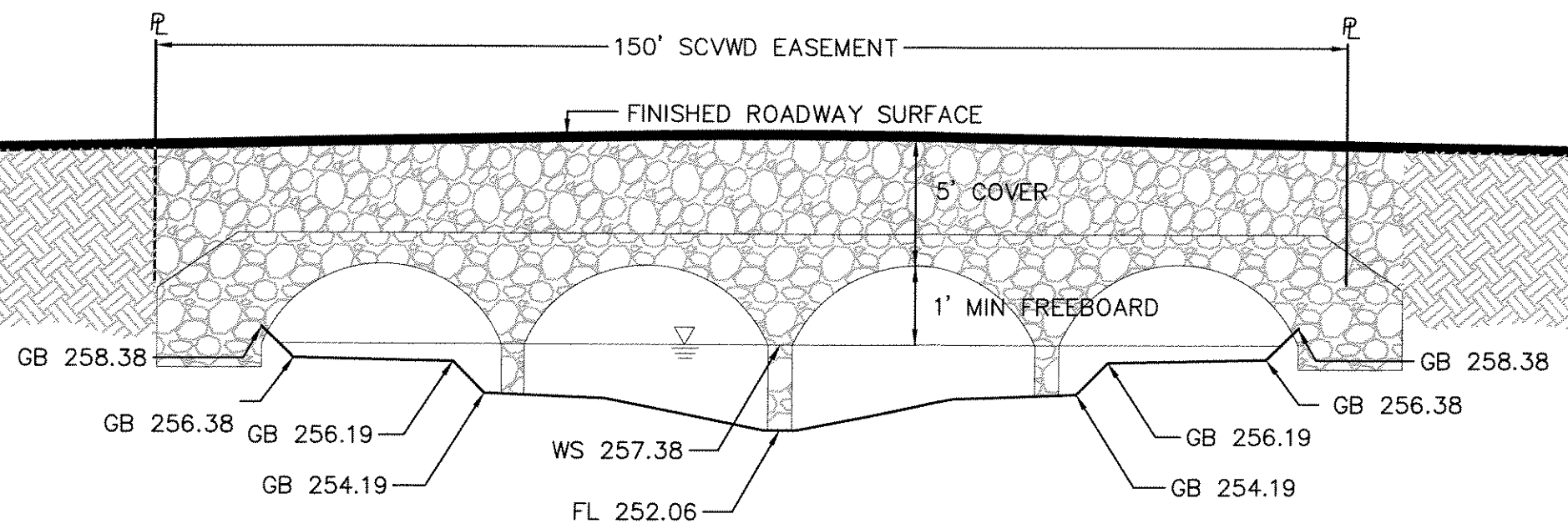
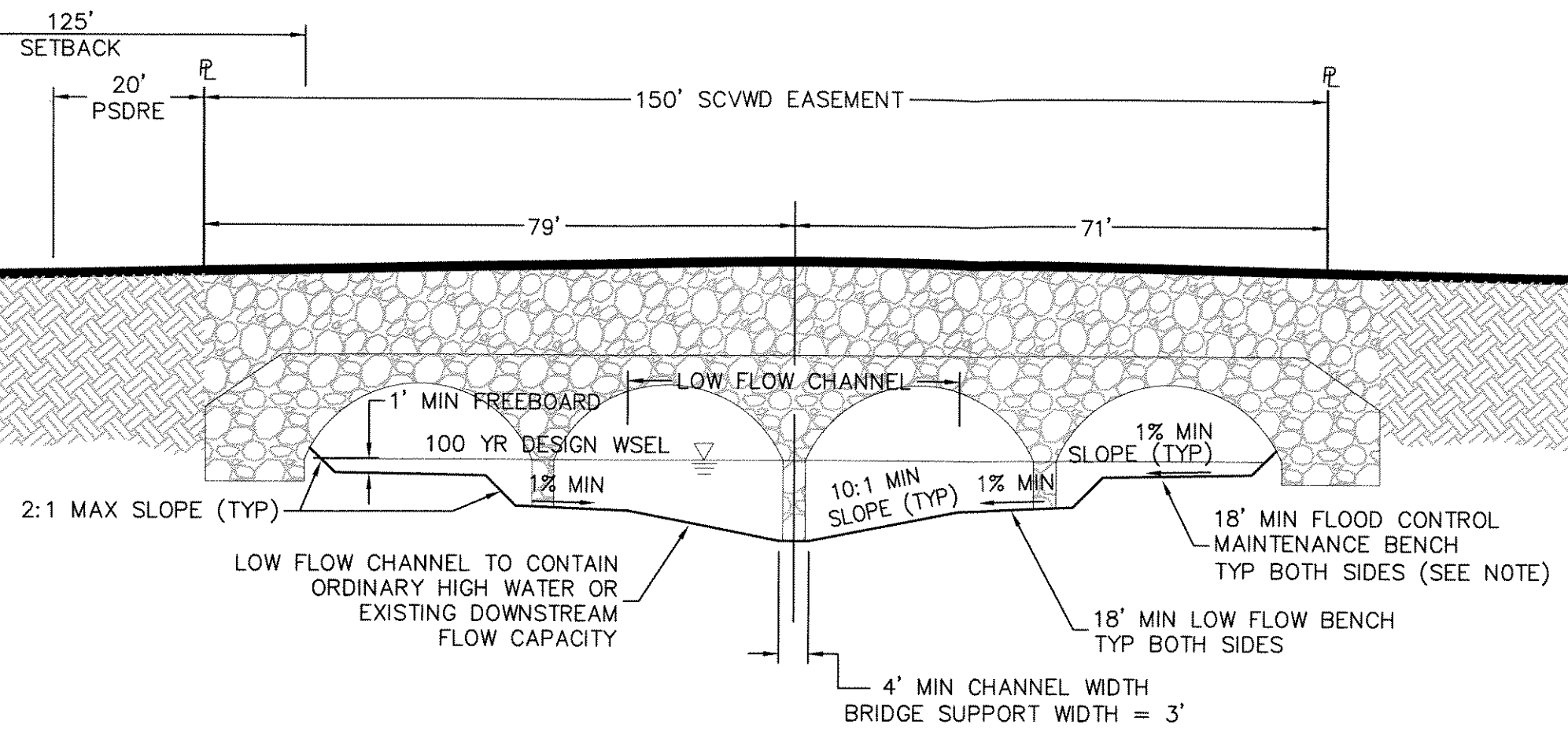
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Scale: 1"=100'
Designed: SRL
Drawn: FC
Checked: SRL
Proj. Engr: SRL
File: Exhibit5.dwg

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San Jose
(408) 487-2200
Gilroy
(408) 846-0707
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Frantoio Grove, Monterey Road
County File Number 2563-72-22-046
Preliminary Grading and Drainage Plan

Sheet
1
Of 1 Sheets
JOB NUMBER
5017-01



HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'

Jeff Martin
 7888 Wren Avenue, Building B, #120
 Gilroy, Ca. 95020

Date: 06/19/07
 Scale: SEE DRAWING
 Designed: SRL
 Drawn: AES
 Checked: SRL
 Proj. Engr: SRL
 File: BridgeXSection.dwg

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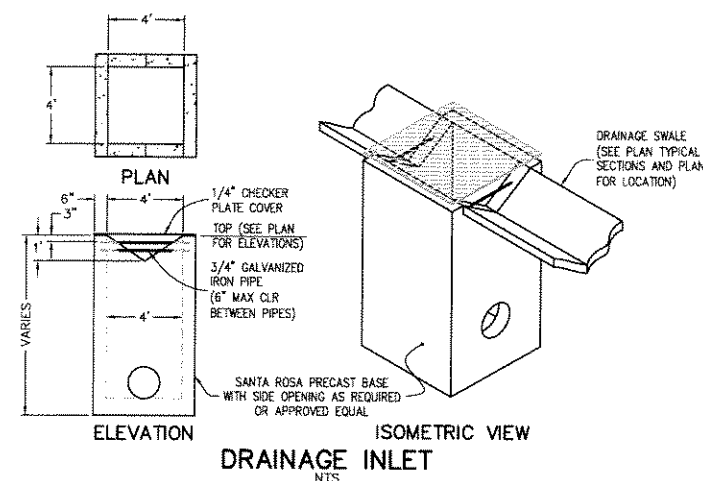
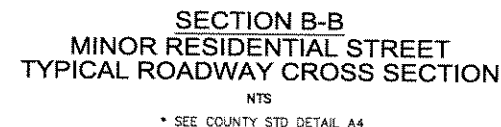
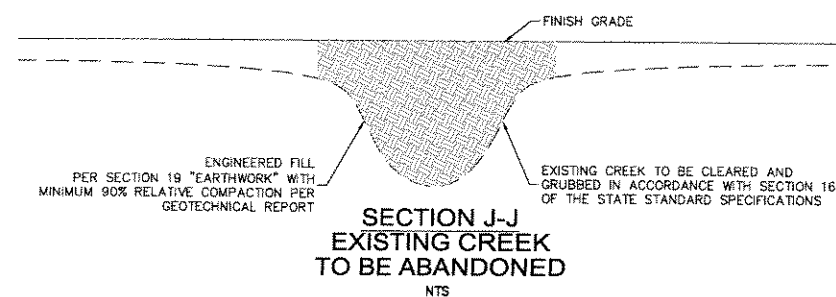
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**TYPICAL CREEK SECTION
 AND PROPOSED FLOODWAY AND BRIDGE**
 San Martin

Sheet
 1
 Of 1 Sheets
 JOB NUMBER
 5017-01

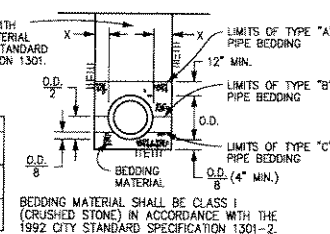


1. IT IS MANDATORY THAT THE SECOND INSPECTOR BE NOTIFIED AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. COMPLETE REMOVAL OF PORTIONS OF THE WORK INSTALLED WITHOUT INSPECTION MAY BE REQUIRED IF THIS REQUIREMENT IS NOT MET.
2. ALL WORK IS TO BE IN ACCORDANCE WITH THE 1992 EDITION OF CALTRANS' STANDARD SPECIFICATIONS SECTION 72-2. NO WHITE ROCK MAY BE USED. METHOD A PLACEMENT SHALL BE USED WITH 2 LAYER THICK ROCK. GROUT TO BE IN CONFORMANCE WITH PARAGRAPH 65-1.06 FOR CEMENT MORTAR.
3. THE OUTFALL PIPE IS TO BE CUT OFF FLUSH WITH THE SLOPE PROTECTION.
4. ANY BACKFILL NECESSARY FOR THE INSTALLATION OF THE OUTFALL SHOULD BE COMPACTED TO 90 PERCENT RELATIVE COMPACTION IN CONFORMANCE WITH ASTM STANDARD TEST METHOD D1556 OR CALTRANS CALIFORNIA TEST #216.
5. ANY EXCESS SOIL FROM EXCAVATION SHALL BE DEPOSITED OFF OF DISTRICT RIGHT OF WAY UNLESS APPROVED BY THE DISTRICT'S INSPECTOR.
6. THE OUTFALL PIPE SHOULD POINT SLIGHTLY DOWNSTREAM.
7. BACKFILL VOIDS WITHIN LIMITS OF ROCK SLOPE PROTECTION WITH TOP SOIL.
8. ENGINEERING FABRIC SHALL BE PER CALTRANS STD SEC 88-1.04.

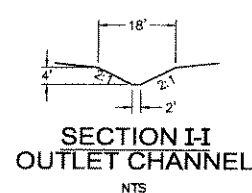
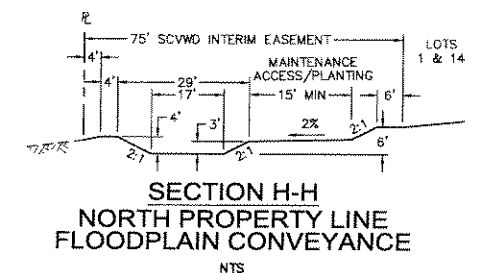
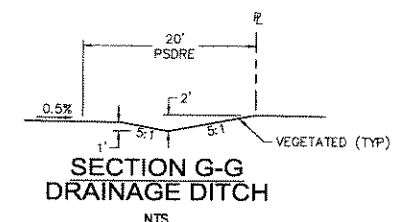
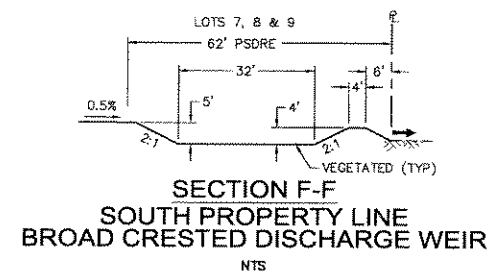
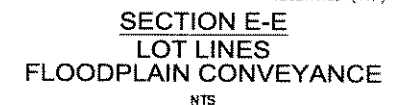


PIPE SIZE	LIMITS OF X	
	MINIMUM	MAXIMUM
24" OR LESS	4"	4" + $\frac{0.1}{4}$
27" AND GREATER	6"	6" + $\frac{0.1}{4}$

BEDDING TYPE	CATEGORY OF PIPE
A	VITRIFIED CLAY PIPE, CONCRETE PIPE 25" DIA. AND GREATER
B	HDPE, CONCRETE PIPE 24" DIA. AND LESS
C	DUCTILE IRON PIPE



NEW STREET PIPE BEDDING DETAIL



△			
△			
△			
△			
△			
△			
	BY	DATE	REVISIONS

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Drainage Details

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1
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